

13-1001. Attempt; classifications

A. A person commits attempt if, acting with the kind of culpability otherwise required for commission of an offense, such person:

1. Intentionally engages in conduct which would constitute an offense if the attendant circumstances were as such person believes them to be; or

2. Intentionally does or omits to do anything which, under the circumstances as such person believes them to be, is any step in a course of conduct planned to culminate in commission of an offense; or

3. Engages in conduct intended to aid another to commit an offense, although the offense is not committed or attempted by the other person, provided his conduct would establish his complicity under chapter 3 if the offense were committed or attempted by the other person.

B. It is no defense that it was impossible for the person to aid the other party's commission of the offense, provided such person could have done so had the circumstances been as he believed them to be.

C. Attempt is a:

1. Class 2 felony if the offense attempted is a class 1 felony.

2. Class 3 felony if the offense attempted is a class 2 felony.

3. Class 4 felony if the offense attempted is a class 3 felony.

4. Class 5 felony if the offense attempted is a class 4 felony.

5. Class 6 felony if the offense attempted is a class 5 felony.

6. Class 1 misdemeanor if the offense attempted is a class 6 felony.

7. Class 2 misdemeanor if the offense attempted is a class 1 misdemeanor.

8. Class 3 misdemeanor if the offense attempted is a class 2 misdemeanor.

9. Petty offense if the offense attempted is a class 3 misdemeanor or petty offense.

13-1002. Solicitation; classifications

A. A person, other than a peace officer acting in his official capacity within the scope of his authority and in the line of duty, commits solicitation if, with the intent to promote or facilitate the commission of a felony or misdemeanor, such person commands, encourages, requests or solicits another person to engage in specific conduct which would constitute the felony or misdemeanor or which would establish the other's complicity in its commission.

B. Solicitation is a:

1. Class 3 felony if the offense solicited is a class 1 felony.

2. Class 4 felony if the offense solicited is a class 2 felony.

3. Class 5 felony if the offense solicited is a class 3 felony.

4. Class 6 felony if the offense solicited is a class 4 felony.

5. Class 1 misdemeanor if the offense solicited is a class 5 felony.

6. Class 2 misdemeanor if the offense solicited is a class 6 felony.

7. Class 3 misdemeanor if the offense solicited is a misdemeanor.

13-1003. Conspiracy; classification

A. A person commits conspiracy if, with the intent to promote or aid the commission of an offense, such person agrees with one or more persons that at least one of them or another person will engage in conduct constituting the offense and one of the parties commits an overt act in

furtherance of the offense, except that an overt act shall not be required if the object of the conspiracy was to commit any felony upon the person of another, or to commit an offense under section 13-1508 or 13-1704.

B. If a person guilty of conspiracy, as defined in subsection A of this section, knows or has reason to know that a person with whom such person conspires to commit an offense has conspired with another person or persons to commit the same offense, such person is guilty of conspiring to commit the offense with such other person or persons, whether or not such person knows their identity.

C. A person who conspires to commit a number of offenses is guilty of only one conspiracy if the multiple offenses are the object of the same agreement or relationship and the degree of the conspiracy shall be determined by the most serious offense conspired to.

D. Conspiracy to commit a class 1 felony is punishable by a sentence of life imprisonment without possibility of release on any basis until the service of twenty-five years, otherwise, conspiracy is an offense of the same class as the most serious offense which is the object of or result of the conspiracy.

13-1004. Facilitation; classification

A. A person commits facilitation if, acting with knowledge that another person is committing or intends to commit an offense, the person knowingly provides the other person with means or opportunity for the commission of the offense.

B. This section does not apply to peace officers who act in their official capacity within the scope of their authority and in the line of duty.

C. Facilitation is a:

1. Class 5 felony if the offense facilitated is a class 1 felony.
2. Class 6 felony if the offense facilitated is a class 2 or class 3 felony.
3. Class 1 misdemeanor if the offense facilitated is a class 4 or class 5 felony.
4. Class 3 misdemeanor if the offense facilitated is a class 6 felony or a misdemeanor.

13-1005. Renunciation of attempt, solicitation, conspiracy or facilitation; defenses

A. In a prosecution for attempt, conspiracy or facilitation, it is a defense that the defendant, under circumstances manifesting a voluntary and complete renunciation of his criminal intent, gave timely warning to law enforcement authorities or otherwise made a reasonable effort to prevent the conduct or result which is the object of the attempt, conspiracy or facilitation.

B. In a prosecution for solicitation, it is a defense that the defendant, under circumstances manifesting a voluntary and complete renunciation of the defendant's criminal intent completed both of the following acts:

1. Notified the person solicited.
2. Gave timely warning to law enforcement authorities or otherwise made a reasonable effort to prevent the conduct or result solicited.

C. A renunciation is not voluntary and complete within the meaning of this section if it is motivated in whole or in part by:

1. A belief that circumstances exist which increase the probability of immediate detection or apprehension of the accused or another participant in the criminal enterprise or which render more difficult the accomplishment of the criminal purpose; or

2. A decision to postpone the criminal conduct until another time or to transfer the criminal effort to another victim, place or another but similar objective.

D. A warning to law enforcement authorities is not timely within the meaning of this section unless the authorities, reasonably acting upon the warning, would have the opportunity to prevent the conduct or result. An effort is not reasonable within the meaning of this section unless the defendant makes a substantial effort to prevent the conduct or result.

13-1006. Effect of immunity, irresponsibility or incapacity of a party to solicitation, conspiracy or facilitation

A. It is not a defense to a prosecution for solicitation, conspiracy or facilitation that a person solicited, facilitated or with whom the defendant conspired could not be guilty of committing the offense because:

1. Such person is, by definition of the offense, legally incapable in an individual capacity of committing the offense; or

2. Such person is not criminally responsible as defined in chapter 5 of this title, or has an immunity to prosecution or conviction for the commission of the offense; or

3. Such person does not have the state of mind sufficient for the commission of the offense in question.

B. It is not a defense to a prosecution for solicitation or conspiracy that the defendant is, by definition of the offense, legally incapable in an individual capacity of committing the offense that is the object of the solicitation or conspiracy.